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MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of :  
John M. Fenderson et al. :  
Application No. 09/990,570 : DECISION ON PETITION  
Filed: November 21, 2001 :  
Attorney Docket No. 38867/240561 :

This is a decision on the renewed petition under 37 CFR 1.59(b), filed July 12, 2010, to expunge information from the above identified application.

The petition is **dismissed as being Moot.**

Petitioner requests that information entitled Herbicidal Compositions Comprising Dimethenamid And Diketone or Triketone Herbicides (original letters patent No. 5,990,046), submitted March 16, 2005 be expunged and returned.

MPEP 1416, Example 6 indicates:

A reissue application was pending at the time of the effective date of the amendment to 37 CFR 1.178, and an original letters patent was submitted. Applicant requests return of the original letters patent, although the application is abandoned at the time the request for return is made. In this instance, the Office would return the original letters patent if it is readily retrievable. Even where the reissue application was already abandoned at the time of the effective date of the amendment to 37 CFR 1.178, the Office would also return the original letters patent.

Since the instant application is in abandoned status, no petition is required, only a "request for return" is needed. Therefore the petition is being treated as a request for return of the patent and the petition under 37 CFR 1.59(b) is dismissed as moot. The petition fee will be refunded to petitioner's deposit account.

The request for return of the patent is granted. The application is being forwarded to the Office or Data Management for return of the original letters patent No 5,990,046.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to be 'Carl Friedman', with a long horizontal stroke extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions